

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:11CV154-RLV-DSC**

CLARENCE MICHAEL PITTS,)
)
 Plaintiff,)
)
 v.)
)
 PAUL A. MCCLANAHAN AND)
 MICHAEL LEE,)
)
 Defendants.)
 _____)

MEMORANDUM AND ORDER

THIS MATTER is before the Court on Defendants’ “Notice of Motion and Motion to Compel” (document #8) filed April 6, 2012. Plaintiff has not responded to this Motion and the time for filing a response has expired.

This Motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §636(b)(1)(B), and is now ripe for the Court’s consideration.

For the reasons stated in their Motion, the Court grants Defendants’ Motion to Compel.

Dismissal and the imposition of monetary sanctions are remedies available under Rule 37 for a party’s failure to obey rules governing discovery and orders of the District Court. See Fed. R. Civ. P. 37(b)(2)(C); National Hockey League v. Metro. Hockey Club, 427 U.S. 639, 643 (1976); Mutual Fed. Sav. & Loan v. Richards & Assocs., 872 F.2d 88, 92 (4th Cir. 1989); and Wilson v. Volkswagen of America, Inc., 561 F.2d 494, 504-04 (4th Cir. 1977).

Accordingly, the Court warns Plaintiff that failure to provide full and complete responses to Defendants’ First Set of Interrogatories and First Set of Requests for Production of Documents and to disclose his experts and produce reports from expert witnesses, failure to respond to any

other of the Defendant's reasonable discovery requests, or to otherwise comply fully with any of the Court's Orders, the Local Rules, or the Rules of Civil Procedure may result in the imposition of sanctions. **Sanctions may include Plaintiff and/or his counsel being ordered to pay Defendants' costs, including reasonable attorney's fees in their entirety, and also may include dismissal of the Complaint with prejudice.**

NOW THEREFORE, IT IS ORDERED:

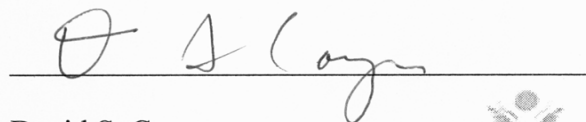
1. Defendants' "Motion to Compel" (document #8) is **GRANTED**. Within fifteen days of the date of this Memorandum and Order, Plaintiff shall provide full and complete responses to Defendants' First Set of Interrogatories and First Set of Requests for Production of Documents and disclose his experts and produce reports from expert witnesses.

2. The parties shall bear their own costs at this time.

3. The Clerk is directed to send copies of this Memorandum and Order to counsel for the parties; and to the Honorable Richard L. Voorhees.

SO ORDERED.

Signed: April 25, 2012

A handwritten signature in black ink, appearing to read "D. S. Cayer", is written over a horizontal line.

David S. Cayer
United States Magistrate Judge

